

## **CITY BOARD OF ZONING APPEAL #05008**

**DATE:** May 5, 2005

**DATE SCHEDULED FOR PUBLIC HEARING:** May 20, 2005

**LOCATION:** Generally located at W. Leon Drive and east of NW. 9<sup>th</sup> Street.

**ADDRESS:** 822 W. Leon Drive.

**LEGAL DESCRIPTION:** See attached.

**APPLICANT:** Mark Clanton  
822 W. Leon Drive  
Lincoln, NE  
(402) 540-0839

**LOT AREA:** 0.20 acres, more or less.

**ZONING:** R-3, Residential.

**EXISTING LAND USE:** Residential.

### **SURROUNDING LAND USE AND ZONING:**

North:	Purple Heart Highway/Hwy 34	AG
South:	Residential	R-3
East:	Residential	R-3
West:	Residential	R-3

### **TYPE OF APPEAL:**

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.15.080(a), L.M.C. requires a front yard setback of 20 feet. A variance of the front yard setback along Highway 34 from 20' to 10' is requested.

### **STAFF FINDINGS:**

1. This is a request to reduce the front yard setback along Highway 34 from 20' to 10' for a detached garage accessory building. The lot is approximately 60' by 137'.
2. The applicant indicated this lot is unusual because it has double frontage. The applicant indicated that the property is unique because the property line is more than 100 ' from the paving of Highway 34.
3. The lot is a double frontage lot, which is a lot which has frontage on two non-

intersecting streets. Double frontage lots are allowed when a lot backs onto a major street and has a minimum depth of 120'. The minimum depth requirement is to provide for the additional front yard setback. All other lots are required to have a minimum depth of 90'. The maximum residential front yard setback is 30' which is the difference between a standard minimum lot depth and double-frontage minimum lot depth.

4. Double frontage lots are typical along major streets due to limited access rights to major streets.
5. All lots must provide a front yard setback along abutting streets.
6. The lot is typical of other lots with no drastic grade changes nor an atypical lot configuration. The lot is typical of double-frontage lots in Lincoln. The aerial of the property indicates a clear existing setback for properties in this neighborhood.
7. The lot depth is approximately 137', which exceeds the minimum required depth.
8. The existing house has an existing two-car garage and is similar to other houses in the neighborhood.
9. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
10. It appears that the property owner has reasonable use of their property without a variance. It appears that the property is substantially similar to other properties in the neighborhood. Other properties backing onto Highway 34 have the same issues, as do other properties backing onto major streets elsewhere in Lincoln.
11. If this appeal were not granted, the property owner could continue the use of the existing 2-car garage or build an accessory building within the buildable area of the property.

Prepared by

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Planner

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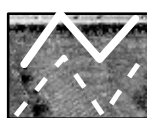
2002 aerial

## Board of Zoning Appeals #05008 822 W Leon Dr.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 34 T11N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction

